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DOCKET NO. Interference 105,114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: SKOULTCHI

ART UNIT: 1632

SERIAL NO.: 08/102,390

EXAMINER: Shin Lin CHEN

FILING DATE: AUGUST 5, 1993

FOR: PRODUCTION OF PROTEINS USING HOMOLOGOUS RECOMBINATION

COMMUNICATION REGARDING STATUS OF APPLICATION*Via Facsimile 571-273-9922*MAIL STOP PGPUB
ASSISTANT COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

ATTN: Mr. Don FAIRCHILD

On March 15, 2006, undersigned counsel spoke with Mr. Don Fairchild of the United States Patent and Trademark Office regarding the status of the above-captioned patent application. Mr. Fairchild was extremely helpful, and Applicant and real party-in-interest therefor, Cell Genesys, Inc., extend their appreciation.

Mr. Fairchild was attempting to contact the real party-in-interest for the above-captioned patent application because mail, in the form of a Notice of Allowance, had been returned as undeliverable. Mr. Fairchild advised that the last Power of Attorney, for which he had records in this case, was on behalf of a law firm no longer in existence, Pennie & Edmonds. The Office is advised, as detailed below, that undersigned counsel is counsel of record in the above-captioned patent application, which remains subject to the review of interference proceedings, Interference 105,114, which proceedings are

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Communication Regarding Status of Application

currently ongoing in the United States District Court for the District of Massachusetts. The case should remain on suspension.

As reflected in Attachment A hereto, an Associate Power of Attorney, in favor of undersigned counsel of record was then executed by then-counsel, Linda Judge, on February 18, 2003. That Power was submitted to the United States Patent and Trademark Office, Board of Patent Appeals and Interferences, in Patent Interference 103,737, on February 21, 2003, as reflected in Attachment B. Undersigned counsel was, at the time of filing of Attachment B, a partner in the law firm of Piper Rudnick Marbury and Wolf.

The above-captioned patent application, USSN 08/102,390 was involved in Interference 103,737, and accordingly on suspension for prosecution.

Subsequently, Interference 103,707, was redeclared as Interference 105,114. The above-captioned patent application remained on suspension in favor of Interference 105,114. Undersigned counsel was designated as lead counsel, see Attachment C.

The above-captioned patent application remained on suspension through the pendency of Interference 105,114. Amended judgment was entered in Interference 105,114, on July 8, 2004.

Within the time provided by rule and statute, Cell Genesys filed an action pursuant to 35 USC §146, seeking review of the determination of the Board in Interference 105,114. Pursuant to rule and statute, the Board was notified of the same. The case was initially filed in the United States District Court for the District of

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Columbia; Cell Genesys, Inc., v. Applied Research Systems ARS Holdings N.V. (ARS). At about the same time, ARS filed an action pursuant to 35 USC §146 in the United States District Court for District of Massachusetts. Undersigned counsel is counsel of record for Cell Genesys in that matter. Ultimately, the two actions filed under 35 USC §146 were consolidated in the United States District Court for the District of Massachusetts, the Honorable Judge Wolf, as C.A. 04-11810-MLW and 05-12448-MLW. Undersigned counsel remains counsel of record, at the address provided:

Steven B. Kelber
Merchant and Gould
901 Fifteenth Street N.W., Suite 850
Washington D.C. 20005
(fax) 202.326.0778
(email) Skelber@merchant-gould.com

Undersigned counsel understands that a Notice of Allowance has been issued in the above-captioned patent application. While the same is appreciated, it should be clear from the above narrative that any issuance of a Notice of Allowance is premature.

CGI has sought review of the decision of the Board of Patent Appeals and Interferences to secure allowance of those claims found unpatentable, and ARS has sought review to, *inter alia*, to seek a determination that the claim found allowable to CGI be found unpatentable. It is suggested that the case be suspended, pending

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resolution of the pending reviews of Interference 105,114. The Office is invited to contact undersigned counsel to facilitate these matters at 202-326-0333.

March 15, 2006

Date

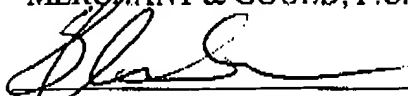
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
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23552

Patent & Trademark Office

Respectfully submitted,

MERCHANT & GOULD, P.C.



Steven B. Kelber
Registration No. 30,073

U.S. Application Serial No.: 08/102,390
Communication Regarding Status of Application

ATTACHMENT A

Paper No.

Filed on behalf of:

By:

Senior Party SKOULTCHI
Filed on behalf of Skoultchi
Steven B. Kelbar, Esquire
Piper Rudnick LLP
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2430
Tel: (202) 861-3900 (Receptionist)
(202) 223-2085 (Facsimile)
E-mail: steven.kelbar@piperrudnick.com

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**
(Administrative Patent Judge Michael P. Tierney)

SCOTT C. CHAPPEL

Junior Party
(Patent 5,272,071)

vs.

ARTHUR I. SKOULTCHI

Senior Party
(Application 08/102,390)

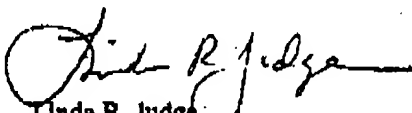
Patent Interference No.103,737

ASSOCIATE POWER OF ATTORNEY

Please recognize Steven B. Kelber Registration No. 30,073 as Associate Attorney, with power to prosecute U.S. Patent Application Serial No. 08/102,390 and to take all actions on its behalf in Interference 103,737 before the United States Patent and Trademark Office.

Respectfully submitted,

CELL GENESYS



Linda R. Judge
Registration No. 42,702
Attorney for SKOULTCHI

342 Lakeside Drive
Foster City, California 94404
Telephone: (650) 425-4650
Facsimile: (650) 349-7392
INTERFERENCE 103,737

-0-

U.S. Application Serial No.: 08/102,390
Communication Regarding Status of Application

ATTACHMENT B

Filed on behalf of:

By:

Senior Party SKOULTCHI
Filed on behalf of Skoultchi
Steven B. Kelber, Esquire
Piper Rudnick LLP
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2430
Tel: (202) 861-3900 (Receptionist)
(202) 223-2085 (Facsimile)
E-mail: steven.kelber@piperrudnick.com

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
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SCOTT C. CHAPPEL

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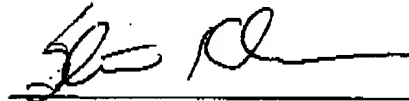
Patent Interference No.103,737

SKOULTCHI DESIGNATION OF LEAD AND BACK-UP COUNSEL,
37 C.F.R. §1.601(k)

Pursuant to 37 C.F.R. §1.601(k), the Senior Party Skoultchi (U.S. Patent Application Serial No. 08/102,390), hereby designates as lead counsel, Steven B. Kelber, Registration No. 30,073 and as back-up counsel Linda R. Judge, Registration No. 42,702, who can be reached at telephone number (650) 425-4650. Responsive to Paper No. 75, of the Notice Redeclearing and Transferring Interference, the E-mail address for lead counsel is steven.kelber@piperrudnick.com and the E-mail address for back-up counsel is linda.judge@cellgenesys.com.

Respectfully submitted,

PIPER RUDNICK LLP



Steven B. Kelber
Registration No. 30,073
Attorney for SKOULTCHI

1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2430
Telephone: (202) 861-3900
Facsimile: (202) 223-2085
INTERFERENCE 103,737
ATTORNEY DOCKET NO. 306229-

CERTIFICATE OF SERVICE

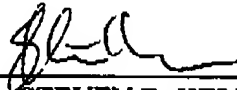
I hereby certify that true copies of:

1. SKOULTCHI DESIGNATION OF LEAD AND BACK-UP COUNSEL,
37 C.F.R. §1.601(k)
2. ASSOCIATE POWER OF ATTORNEY
3. CERTIFICATE OF SERVICE

were served upon Counsel as follows:

Roger L. Browdy
BROWDY and NEIMARK, P.L.L.C.
419 Seventh Street, N.W.
Suite 300
Washington, D.C. 20004

via Federal Express, this 21st day of FEBRUARY, 2003



STEVEN B. KELBER

ATTORNEY DOCKET NO: 306229-
INTERFERENCE 103,737

U.S. Application Serial No.: 08/102,390
Communication Regarding Status of Application

ATTACHMENT C

Filed on behalf of:

By:

Paper No. _____

Junior Party CELL GENESYS, INC.
Filed on behalf of Cell Genesys, Inc.
Steven B. Kelber, Esquire
Piper Rudnick LLP
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2430
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(202) 223-2085 (Facsimile)
E-mail: steven.kelber@piperrudnick.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge Michael P. Tierney)

APPLIED RESEARCH SYSTEMS ARS HOLDING, N.V.

Junior Party
(Patent 5,272,071)

vs.

CELL GENESYS, INC.

Junior Party
(Application 08/102,390)


Patent Interference No.105,114

CELL GENESYS DESIGNATION OF LEAD AND BACK-UP COUNSEL,
37 C.F.R. §1.601(k)

Pursuant to 37 C.F.R. §1.601(k), the Junior Party Cell Genesys (U.S. Patent Application Serial No. 08/102,390), hereby designates as lead counsel, Steven B. Kelber, Registration No. 30,073 and as back-up counsel Linda R. Judge, Registration No. 42,702, who can be reached at telephone number (650) 425-4650. Responsive to Paper No. 1, of the Notice Redeclearing Interference No. 103,737, the E-mail address for lead counsel is steven.kelber@piperrudnick.com and the E-mail address for back-up counsel is linda.judge@cellgenesys.com.

Respectfully submitted,

PIPER RUDNICK LLP



Steven B. Kelber
Registration No. 30,073
Attorney for CELL GENESYS, INC

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Washington, D.C. 20036-2430
Telephone: (202) 861-3900
Facsimile: (202) 223-2085
INTERFERENCE 105,114
ATTORNEY DOCKET NO. 306229-21

CERTIFICATE OF SERVICE

I hereby certify that true copies of:

1. CELL GENESYS DESIGNATION OF LEAD AND BACK-UP COUNSEL,
37 C.F.R. §1.601(k)
2. CERTIFICATE OF SERVICE

were served upon Counsel as follows:

Roger L. Browdy
BROWDY and NEIMARK, P.L.L.C.
624 9th Street, N.W.
Washington, D.C. 20001

via Federal Express, this 9th day of APRIL, 2003


STEVEN B. KELBER

ATTORNEY DOCKET NO: 306229-21
INTERFERENCE 105,114